

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
WHEELING DIVISION**

FEROLETO STEEL COMPANY, INC.,

Plaintiff,

vs.

CLEVELAND-CLIFFS WEIRTON, LLC,

Defendant.

Civil Action No. 5:24-cv-00218

Judge Bailey

REPORT OF PARTIES' PLANNING MEETING AND PROPOSED DISCOVERY PLAN

1. Pursuant to Fed R. Civ. P. 26(f), Local Rule 16.01 and 26.06 and this Court's *First Order and Notice Regarding Discovery and Scheduling Conference* ("First Order"), a telephone conference was held on Wednesday, February 26, 2025. The following counsel participated in the conference and have agreed to the deadlines set forth here and in the Scheduling Order Checklist attached hereto as **EXHIBIT A**:

- Holly S. Planinsic and Jacquelyn J. Cowan Schultz for Plaintiff/Counterclaim Defendant Feroleto Steel Company, Inc. ("Plaintiff"), and
- Michael E. Hooper for Defendant/Counterclaimant Cleveland-Cliffs Weirton, LLC ("Defendant")

2. The parties will exchange the initial disclosures required by Rule 26(a)(1)(A) on or before **March 21, 2025** per the *First Order and Notice Regarding Discovery and Scheduling Conference*.

3. The parties submit that this action is not suitable for any Alternative Dispute Resolution ("ADR") mechanism at this time as it was recently mediated by Magistrate Judge Mazzone without success; however, should this Court require the parties to participate in further mediation, mediation shall occur on or before **August 1, 2025**.

4. The parties jointly recommend **April 4, 2025** as the cut-off date for amending the pleadings and/or adding additional parties.

5. Plaintiff consents but Defendant does not consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. §636(c).

6. Proposed Discovery Plan. The parties agree that discovery will be necessary on all issues related to liability and damages and adopt the discovery limits imposed by the Federal Rules of Civil Procedure. Supplemental discovery disclosures shall be made in accordance with Fed.R.Civ.P. 26(c).

- Discovery is to be completed by **June 6, 2025** and all written discovery requests must be served by **April 30, 2025**
- Plaintiff's Rule 26(a)(2) expert reports/disclosures and Defendant's Rule 26(a)(2) expert reports/disclosures as to its Counterclaim by: **May 1, 2025**
- Defendant's Rule 26(a)(2) expert reports/disclosures and Plaintiff's expert reports/disclosures as to the Counterclaim by: **June 1, 2025**

7. All dispositive Motions must be filed by **June 20, 2025** with responses due on **July 11, 2025** and replies due on **July 25, 2025** in accordance with the Local Rules.

8. The parties shall file pretrial disclosures under Fed. R. Civ. P. 26(a)(3) and Motions in Limine by **July 20, 2025**.

9. Objections to pretrial disclosures and Motions in Limine shall be filed by **August 4, 2025**.

10. A joint pre-trial conference Order must be submitted to the Court by **September 1, 2025**.

11. A final pre-trial conference is requested after **September 17, 2025**. The parties do not request an intermediate status conference. The parties will file objections to pretrial disclosures by ten (10) days prior to the final pretrial conference.

12. The parties request a bench trial to be set on **October 1, 2025**, or later.

13. ESI and other matters relating to discovery: The parties have discussed disclosure of electronically stored information and agree to provide such information in paper format or PDF, flashdrive or other suitable format, subject to objections to the disclosure of that information. If a party believes that it is necessary to be provided with electronically stored information in its native format, such party may so request, and the parties agree to work toward a reasonable resolution of any such request. To the extent the parties are unable to agree and/or any disputes arise in the course of discovery regarding electronically stored information, the parties will submit them to the Court in accordance with Local Rules and the Federal Rules of Civil Procedure.

Dated: March 7, 2025

/s/ Holly S. Planinsic

Holly S. Planinsic
Jacquelyn J. Cowan Schultz
HERNDON, MORTON, HERNDON & YAEGER
83 Edgington Lane
Wheeling, West Virginia 26003
Phone: (304) 242-2300
Fax: (304) 243-0890
E-Mail: hplaninsic@hmhy.com
E-Mail: jcowan@hmhy.com

/s/ Michael E. Hooper

Michael E. Hooper, Esq.
Obermayer Rebmann Maxwell & Hippel LLP
525 William Penn Place, Suite 1710
Pittsburgh, Pennsylvania 15219
Phone: (412) 288-2452
Fax: (412) 281-1530
E-Mail: michael.hooper@obermayer.com

H0069447.4

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
WHEELING DIVISION**

FEROLETO STEEL COMPANY, INC.,

Plaintiff,

vs.

CLEVELAND-CLIFFS WEIRTON, LLC,

Defendant.

Civil Action No. 5:24-cv-00218

Judge Bailey

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of March, 2025, I electronically filed the **Report of Parties' Planning Meeting and Proposed Discovery Plan** with the Clerk of Court using the CM/ECF System, which will send notification of such filing to counsel of record, provided that they are CM/ECF participants, and further certify I served a copy of the foregoing Report on the following counsel of record via United States mail and electronic mail:

Michael E. Hooper, Esq.
Andrew J. Horowitz, Esq.
Obermayer Rebmann Maxwell & Hippel LLP
525 William Penn Place, Suite 1710
Pittsburgh, Pennsylvania 15219
Phone: (412) 288-2452
Fax: (412) 281-1530
E-Mail: michael.hooper@obermayer.com
E-Mail: andrew.horowitz@obermayer.com

/s/ Holly S. Planinsic
Holly S. Planinsic
W.Va. State Bar I.D. #6551
Jacquelyn J. Cowan Schultz
W.Va. State Bar I.D. #12972
HERNDON, MORTON, HERNDON & YAEGER
83 Edgington Lane
Wheeling, West Virginia 26003
Phone: (304) 242-2300
Fax: (304) 243-0890
E-mail: hplaninsic@hmhy.com
E-mail: jcowan@hmhy.com